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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

CITY OF PORTLAND, a municipal
corporation of the State of Oregon,

3:14-cv-01958-SI

PLAINTIFF,

v.

UBER TECHNOLOGIES, INC., a Delaware
corporation, and **RASIER, LLC**, its wholly
owned subsidiary,

DEFENDANTS.

AFFIDAVIT OF ERICH ENGLAND

(In Support of Plaintiff's Motion for Remand
or, In the Alternative, Motion for a Temporary
Restraining Order and Preliminary Injunction)

STATE OF OREGON)
) ss.
County of Multnomah)

I, ERICH ENGLAND, being first duly sworn, state:

1. I currently am employed by the City of Portland, Oregon, in the Offstreet Parking and Regulatory Division of the City of Portland's Bureau of Transportation. My job title is Regulatory Program Specialist. I started employment with the City in January, 2013. My job

duties include, but are not limited to, enforcement of Chapter 16.40 of the Portland City Code (Private For-Hire Transportation) and accompanying regulations.

2. I make this affidavit in support of the City of Portland's Motion for Preliminary Injunction.

3. I am aware that Uber Technologies, Inc. and /or affiliated entities ("Uber") declared an intent to commence operation in Portland, Oregon, on December 5, 2014. Uber began operating at 5:00 p.m. on that date. I have personal knowledge that Uber began arranging, facilitating, and/or providing vehicular transportation for compensation the evening of December 5, 2014, within the City of Portland, Oregon, in conjunction with driver/partners as I personally observed its application and drivers operating through its uberX platform.

4. The provisions of Chapter 16.40 require that all private for-hire companies, drivers and vehicles must have permits.

5. To date, no company with the name Uber Technologies, Inc. nor Rasier, LLC has applied for a permit to provide vehicular transportation for compensation.

6. To date, there have been no applications for permits for vehicles affiliated with Uber Technologies, Inc. nor Rasier, LLC to provide vehicular transportation for compensation.

7. To date, no drivers have applied for permits affiliated with Uber Technologies, Inc. nor Rasier, LLC to provide vehicular transportation for compensation.

8. Specifically, the requirements of Chapter 16.40 -- along with any penalties assessed for violations -- apply to all for-hire transportation companies, vehicles and drivers, whether legally and validly permitted or not. PCC 16.40.020 A. It is not a defense to any regulatory action (including penalties and fines) to assert that the City cannot act because the driver, company or vehicle does not possess a valid City-issued permit, decal or taxiplate. PCC 16.40.020 B.

9. Specifically, under Chapter 16.40, no person may drive a for-hire transportation vehicle without a valid current for-hire transportation driver's permit issued under Chapter 16.40.

PCC 16.40.090 A. Uber has contracted drivers to drive for-hire transportation vehicles without requiring such drivers to obtain valid, current for-hire transportation driver's permits and Uber drivers have failed to obtain such permits.

10. Again, Uber began illegally operating for-hire vehicular transportation for compensation through its uberX and/or Rasier, LLC platform in the City of Portland on the evening of December 5, 2014. To date, neither Uber nor any of its contracted drivers have applied for, or been granted any company, driver or vehicle permits to operate within the City of Portland as required by Chapter 16.40 of the Portland City Code. I have personally observed the following examples outlined in paragraphs 11-15, below.

11. On December 6, 2014, I used smartphone and the Uber application to hail an Uber driver to the location of the Horse Brass Pub located at 4534 SE Belmont Street, Portland, Oregon 97215 at approximately 9:45 p.m.

12. The driver picked me up in a Toyota Yaris. The Yaris did not have any of the Chapter 16.40 required taxicab or LPT requirements posted or displayed. The license plate number was 033GVZ.

13. The driver took me to the Portland Airport and I requested that I be dropped off at the arrivals area and the driver complied with the request.

14. The Portland Airport address is 7000 NE Airport Way, Portland, Oregon 97218. The trip lasted about 20 minutes arriving shortly after 10:10 p.m.

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15. In addition, on Friday, December 5, 2014, I was at the Arlene Schnitzer Concert Hall located at 1037 SW Broadway, Portland, Oregon 97205 between 5:15 p.m. and 5:45 p.m. and was able to utilize the Uber application to hail an Uber driver on four occasions and on all four occasions, after the ride was booked, the driver cancelled.

s/ Erich England
Erich England

SUBSCRIBED AND SWORN TO before me this 10th day of December, 2014, by Erich England.

s/ Jody L. Thoman
Notary Public for Oregon
My commission expires: 10/29/2016